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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,675	07/20/1999	CARLO M. CROCE	CRO01.NP001	9577

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EXAMINER	
PRIEBE, SCOTT DAVID	
ART UNIT	**PAPER NUMBER**
1632	19

DATE MAILED: 02/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER	
Scott D. Priebe	
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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The communication filed 11/9/01 is not fully responsive to the Office communication mailed 9/27/01 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules and CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the examination of the application can proceed.

The Sequence Listing filed 11/9/01 is incomplete and incorrect, and the repsonse did not include an amendment directing entry of the new Sequence Listing into the specification. Fig. 6 discloses a single nucleotide sequence (SEQ ID NO: 1), and all possible polypeptides encoded by one reading frame, each peptide sequence is separated by dots (indicating stop codons in the nucleotides sequence), i.e. there is no amino acid at these locations. New SEQ ID NO: 25 attempts to list all of these peptides as one polypeptide sequence using Xaa to indicate stop codons. This is impermissible, a stop codon indicates the lack of an amino acid, Xaa is meant to indicate an ambiguous amino acid that is present. Consequently, each peptide flanked by "stop" codons is a separate peptide. Each of these peptides tat is at least four amino acids must be separately listed in the Sequence Listing and separately identified in the specification where referred to. None of the polypeptide sequences shown in Fig. 6 have been properly disclosed in the Sequence Listing or identified in

the specification as required under 37 CFR 1.821. SEQ ID NO: 25 must be removed form the Sequence Listing and each of the peptide sequences shown in Fig. 6 must be added (with the first starting as SEQ ID NO: 25). Were referred to in the specification, each must be properly identified by the appropriate SEQ ID NO, e.g. in the Brief Description of Fig. 6, and wherever else one of these peptide sequences is referred to. Furthermore, under the first <223> field, the Sequence Listing describes the sequence using the figure legend for Fig. 6. However, SEQ ID NO: 1, the nucleotide sequence, is indicated as being a human sequence. Fig. 6 does not appear to represent a consensus sequence of any kind. It is not clear from the legend to Fig. 6 what the source of this sequence is, i.e. it is not clear it is a human sequence. Clarification on this point is requested.

Since the above-mentioned reply appears to be *bona fide* attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Certain papers related to this application may be submitted to Art Unit 1632 by facsimile transmission. The FAX numbers are (703) 308-4242 or (703) 305-3014 for any type of communication. In addition, FAX numbers for a computer server system using RightFAX are also available for communications before final rejection, (703) 872-9306, and for communications after final rejection, (703) 872-9307, which will generate a return receipt. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 CFR 1.6(d)). NOTE: If applicant *does* submit a paper by FAX, the original copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED, so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott D. Priebe whose telephone number is (703) 308-7310. The examiner can normally be reached on Monday through Friday from 8 AM to 4 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Deborah Clark, can be reached on (703) 305-4051.

Any inquiry concerning administrative, procedural or formal matters relating to this application should be directed to Patent Analyst Patsy Zimmerman whose telephone number is (703) 308-8338. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Scott D. Priebe

Scott D. Priebe, Ph.D.
Primary Examiner

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ 7. Other: The Sequence Listing is incorrect and incomplete.

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
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